

# LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

## Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

ISSUES TO

HERZOG CONTRACTING CORPORATION

Pursuant to "The Land Reclamation Act," RSMo, 2001, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of  
sand & gravel in the state of Missouri. The extent of the

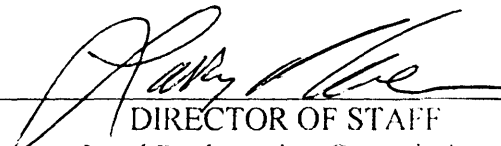
Proposed mining operation(s) will be on ten acres, more or less.

The locations of the operation(s) under this permit is/are as follows: **Renewal**

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Andrew	01	58N	36W	10	0	10	Holland Pit	0340

This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo. 2001, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this 29th day of April 2004

  
DIRECTOR OF STAFF  
Land Reclamation Commission

Permit No. 0275

Effective Date 04/30/2004

Expiration Date 04/29/2005

MO 780-1122 (6-95)

# RECEIVED

MAR 22 2004



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION

PERMIT RENEWAL FOR INDUSTRIAL MINERAL MINES

MISSOURI LAND  
RECLAMATION COMMISSION

P.O. BOX 176  
JEFFERSON CITY, MO 65102-0176

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Herzog Contracting Corp.		DATE 3/18/2004	
ADDRESS 600 S. Riverside Rd.	CITY St. Joseph	STATE MO	ZIP CODE 64507
CONTACT PERSON Arnold Shipp		TELEPHONE NUMBER 816-233-9001	

**FEES: COMPLETE SECTION I OR SECTION II**

**SECTION I. Fees: Open pit operators and those mining more than 5,000 tons of sand and/or gravel:**

1. To compute the site fee complete the information below:

SITE NAME OR NUMBER (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per permit year pay \$150 For sites operated six months or more per permit year pay \$300
1.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
2.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
3.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
4.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
5.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
6.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
7.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
8.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
9.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
10.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
TOTAL SITE FEE		\$

2. Acreage Fee \$5 X \_\_\_\_\_ number of acres bonded .....\$

3. Annual Permit Fee .....\$ 500

4. Total Fee (Add totals from 1, 2 and 3) .....\$

NOTE: If Total Fee exceeds \$2,500.00 then pay only .....\$ 2,500

**SECTION II. FEES: Sand or gravel operators mining less than 5,000 tons per year:**

1. Annual Permit Fee .....\$ 300

SIGNATURE OF APPLICANT 		TITLE Vice President	DATE 3/18/2004
Appeared before me this <u>18</u> day of <u>March</u> , 20 <u>04</u> , <u>Arnold Shipp</u> to me personally known, who executed the above as their free acts and deeds.			
NOTARY PUBLIC EMBOSSEER SEAL	STATE OF Missouri	COUNTY (OR CITY OF ST. LOUIS) Buchanan	
	SUBSCRIBED AND SWORN BEFORE ME, THIS <u>18</u> DAY OF <u>March</u> YEAR <u>2004</u>		
	NOTARY PUBLIC SIGNATURE 	MY COMMISSION EXPIRES 12/26/07	
	NOTARY PUBLIC NAME (TYPED OR PRINTED) Nancy M. Miller		
FOR DEPARTMENT USE ONLY: APPROVED BY 		DATE APPROVED <u>3-26-04</u>	PERMIT NUMBER <u>275</u>
		EXPIRATION DATE <u>4-29-05</u>	



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**SITE INFORMATION FORM**

**RECEIVED**  
APR 21 1992  
MISSOURI LAND  
RECLAMATION COMMISSION

To be completed for each separate area of disturbance associated with mining operations.

SITE NAME OR NUMBER Holland Pit - Andrew County		PERMIT NUMBER #275	
COMPANY NAME Herzog Contracting Corp.			
COUNTY Andrew	1/4 SECTION SW	SECTION 1	
TOWNSHIP 58N	RANGE 36W	ACRES 10	
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) NA			
MINERAL COMMODITY Sand		ESTIMATED TONS/YEAR (FOR GRAVEL SITES) NA 25000	

NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE) Herzog Contracting Corp.		
ADDRESS P.O. Box 1089 600 S. Riverside Road		
CITY St. Joseph	STATE MO	ZIP CODE 64502
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input checked="" type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):		DATE OF AGREEMENT 6/23/89
<input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT		

MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE) Herzog Contracting Corp.		
ADDRESS P.O. Box 1089 600 S. Riverside Road		
CITY St. Joseph	STATE MO	ZIP CODE 64502
SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input checked="" type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):		DATE OF AGREEMENT 6/23/89
<input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT		

**NOTE:** Each site must be shown on a map and be included in a public notice and an approved mine plan.



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
LAND RECLAMATION COMMISSION  
**MINE PLAN**

**RECEIVED**  
P.O. BOX 176  
JEFFERSON CITY, MO 65102

JUL 01 1992

TYPE OF PLAN (CHECK ONE):

- ☐ SHORT TERM, FOR ONE PERMIT YEAR  
☒ LONG TERM, FOR PERIOD THROUGH DATE: 4/29/97

MISSOURI LAND  
RECLAMATION COMMISSION

DESCRIPTION OF SITE PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING SOIL, VEGETATION AND TOPOGRAPHY.

Holland Pit - Andrew County

Covers area of approximately 10 acres (see attached map). Site area is reasonably flat. Area is disturbed to obtain sand deposits and topsoil is reclaimed as area is worked. Site prior to permitting was farm land/Sarpy Series soil type.

OPERATION PLAN - 10 CSR 40-10.020(2)(D)1.

**A. TOPSOIL**

AVERAGE DEPTH OF TOPSOIL, PRIOR TO LAND RECLAMATION COMMISSION PERMITTING

XX 0-7" INCHES

IS TOPSOIL TO BE SOLD OR DISCARDED OFFSITE?

☐ YES OR ☒ NO

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL REMOVAL

Dozer/Loaders push topsoil to stockpile area.

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL STORAGE AND PROTECTION

Topsoil is pushed to stockpile areas near disturbed area. Topsoil is returned to disturbed area as excavation of sand material is removed. Area remains disturbed for only short periods. Stockpiles are designed to catch eroded material for later reclamation.

**B. SPOIL**

DESCRIBE METHODS AND LOCATION OF SPOIL PLACEMENT AND DISPOSAL

NA

**C. ACID MATERIALS**

DESCRIBE METHODS AND EQUIPMENT USED FOR HANDLING ACID MATERIALS (IF NONE IS ANTICIPATED, WRITE "NONE" BELOW)

NA

**D. PIT INFORMATION (GIVE ALL DIMENSIONS IN FEET)**

DESCRIBE LOCATION AND ORIENTATION OF PIT, IF NOT CLEAR ON SITE MAPS

3/4 of a Mile  
Δ West of Route K - south part of Lincoln Township.

1/4 of a mile northeast of Couty Road Number 393.

Pit is an irregular + or - 10 acre site situated in the middle of the north boundary of a 73 acre area owned by Herzog Contracting Corp.

**YES      NO**

☐ ☒ Will any excavation be at or within fifty feet (50') of the right-of-way of any public road?

☐ ☒ Will any highwall consisting of unconsolidated materials be left within fifty feet of the right-of-way of any public road? (NOTE: For unconsolidated materials left in place, a slope of no more than forty degrees may start near the right of way, and in no case may the excavation be closer to the right of way than fifty feet or twenty-five feet plus one and one-half (1-½) times the depth of unconsolidated material, whichever is greater, unless a variance is granted by the Commission.)

☐ ☒ Will any excavation start at or within fifty feet (50') of any property line?  
(NOTE: If the answer is "yes", a safety barrier may be needed.)

**RECLAMATION PLAN - 10 CSR 40-10.020(2)(D)2.**

**A. REVEGETATION** (Attach additional sheets, if needed)

REVEGETATION MIX #1	Normal application of wheat or corn or soybeans.	PURPOSE OR LAND USE	B. SEEDING OR PLANTING TIME
#1		Farm Land	Spring or Fall

**DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING**

Undisturbed areas and/or areas reclaimed is farmed any area.

Normal farm equipment and methods for preparing and planting crops for the area. Normal farm crops would be corn, soybeans or wheat.

Lime and fertilizer will be applied according to recommendations made, based on an analysis of soil texture and nutrients. Mulch will be applied to all slopes exceeding 5:1.

SEEDED SPECIES	POUNDS/ACRE	TREE OR SHRUB SPECIES	STEMS/ACRE
NA (Farm Crops) Varies from year to year.	NA	NA	NA

REVEGETATION MIX #2	PURPOSE OR LAND USE	B. SEEDING OR PLANTING TIME

**DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING**

Normal farm equipment and methods for preparing and planting crops for the area. Normal farm crops would be corn, soybeans or wheat.

Lime and fertilizer will be applied according to recommendations made, based on an analysis of soil texture and nutrients. Mulch will be applied to all slopes exceeding 5:1.

SEEDED SPECIES	POUNDS/ACRE	TREE OR SHRUB SPECIES	STEMS/ACRE

ATTACH ADDITIONAL SHEETS FOR ADDITIONAL SEED MIXES.

**B. GRADING**

DESCRIBE PROPOSED RECLAIMED TOPOGRAPHY, INCLUDING SLOPES

Topography will be essentially the same (flat).

**C. DESCRIBE THE GENERAL SEQUENCE AND TIMING OF THE FOLLOWING ACTIVITIES**

## GRADING

Grading is done as the pit advances with minimum areas disturbed at any one time. This operation is on an as needed basis. Topsoil of 0.7" (Sorpy Soil Type) is stockpiled for later reclamation.

## REPLACEMENT OF TOPSOIL

Topsoil is replaced after disturbed area is excavated. The reclamation process is ongoing as site is stripped, topsoil stockpiled, excavation made and topsoil replaced.

## REVEGETATION

To follow crop planting. Spring or Summer depending on crop to be planted.

## AVERAGE DEPTH OF REPLACED TOPSOIL (INCHES)

~~NA~~ 0-7" (Per Andrew County SCS Soil Survey)

**D. USE OF LAND WHEN RECLAIMED**

Estimate acreage of each land use below, after reclamation

**ESTIMATED ACRES:**

Wildlife (forest or other habitat with livestock excluded)

Agricultural (pasture, cropland, and horticultural)

10

Development (residential, industrial, and recreational)

Water impoundments (for wildlife, agricultural, or development)

By my signature, I attest to the following:

1. All statements made on this Mine Plan Form are correct, complete, and true, to the best of my knowledge.
2. I or the company I am authorized to represent intend(s) to mine in accordance with this Mine Plan Form, and in accordance with the Missouri Land Reclamation Act, Sections 444.760 through 444.789, RSMo (Supp. 1990), and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
3. I have obtained the approval of all landowner's for all proposed post-reclamation land uses.
4. I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and his authorized representatives, and I grant such access, and further where I have no such right, I have attached signed affidavits from the landowners, granting such access.

SIGNATURE OF APPLICANT <i>Wm Linley</i>		TITLE Vice President	DATE 4/21/92
NOTARY PUBLIC EMBOSSEY SEAL	STATE Missouri		COUNTY (OR CITY OF ST. LOUIS) Buchanan
	SUBSCRIBED AND SWORN BEFORE ME, THIS 21st DAY OF April 19 92		USE RUBBER STAMP IN CLEAR AREA BELOW
	NOTARY PUBLIC SIGNATURE <i>Trudy Herndon</i>	MY COMMISSION EXPIRES 5-5-95	
	NOTARY PUBLIC NAME (TYPED OR PRINTED) Trudy Herndon		
APPROVED BY (DIRECTOR'S REPRESENTATIVE) <i>Mark H. [Signature]</i>		DATE APPROVED 7-6-92	PERMIT NUMBER 275

## OPERATION PLAN

Page 1 of 5

Mr. Lynn Jenkins states that there is no soil mapping available for the area, and that the soils are Nixa and Noark soil types which have an average depth of 5 inches or less of these soil types which is the only top soil in the area. Mr. Jenkins is the District Conservationist for Newton and McDonald County, MO SCS Office.

## TOP SOIL STORAGE AND PROTECTION

Page 3 of 5

The top soil that is available on site shall be stored in labeled stockpiles and seeded down to prevent wind and rain erosion.

## GRADING

Page 4 of 5

The ratio of slope from the highwall shall be approximately 3:1.

## PLANTING TREES, SHRUBS AND

### OTHER PLANTS

Description. This work shall consist of furnishing and planting materials in the locations designated on the plans or established by the engineer.

Trees, shrubs, and other plants shall be nursery stock and shall be true to type and name in accordance with the current edition of Standardized Plant Names published by the American Joint Committee on Horticultural Nomenclature. They shall have well developed branch systems and vigorous healthy root systems. All nursery stock shall qualify under the AAN Horticultural Standards of the current American Standard for Nursery Stock.

Planting Dates. Planting shall be performed during either the fall phase or the spring phase or both.

All plant stock shall conform to the laws of Missouri and shall be certified free of insects and disease by the Department of Agriculture, Plant Industries Division.

*9' center  
42.57/acre*  
Seedlings shall be planted on three foot (3') centers, approximately 140 to the acre.

*When seed is  
applied?*  
{ During the months of December through May, August, and September, all lime, fertilizer, seed, and mulch shall be applied to the finished slopes. During the months of June, July, October, and November, lime, fertilizer, seed, and mulch shall be applied.

Seeding shall be done before the proposed seedbed becomes eroded, crusted over, or dried out and shall not be done when the ground is in a frozen condition or covered with snow. When the partial application has been made during June, July, October, or November, the remainder of the fertilizer plus 75 percent of the specified quantity of seed shall be applied by overseeding during August, September, December, January, or February. Seed shall be uniformly applied at the rates specified. Provisions shall be made by markers or other means to insure that the successive seeded strips will overlap or be separated by a space no greater than the space left between the rows planted by the equipment being used. If inspection during the seeding operations indicates that strips wider than the space between rows planted have been left unplanted, additional seed shall be planted on these areas. *no to  
have*

Dry Seeding. Dry seeding shall be done mechanically with equipment designed for even distribution of dry seed. The equipment may either be hand operated, such as knapsack seeder, or be tractor-drawn, such as seed drill, except that tractor-drawn equipment will not be permitted on a previously seeded and mulched area. Seed scattered on the surface shall be covered with approximately 1/4 inch of soil by raking or other approved methods. Seed placed in the soil shall be approximately 1/4 inch below the surface.

## SEEDING

Description. This work shall consist of preparing, liming, and fertilizing a seedbed, and the furnishing and sowing of seed as specified. All disturbed areas shall be seeded except: (1) sodded areas, (2) surfaced areas, (3) solid rock, and (4) slopes consisting primarily of broken rock.

The seed shall be grown and processed in the United States and comply with the requirements of the Missouri Seed Law and the Federal Seed Act. Also, it shall contain no seed of any plant on the Federal Noxious Weed List. The following percentages for purity and germination will be the minimum requirements in the acceptance of seed.

	Purity	Germination Including Hard Seed	Germination (a) Excluding Hard Seed	Maximum % Weed Seed
Bermuda Grass	95	80		1.00
Smooth Brome Grass	85	80		2.00
Kentucky Bluegrass	85	80		1.00
Orchard Grass	85	80		2.00
Perennial Rye Grass	98	85		1.00
Sudan Grass	98	85		1.00
Reed Canary Grass	97	75		1.00
Timothy	98	85		1.00
Redtop	92	85		2.00
Oat Grain	98	85		1.00
Rye Grain	98	80		1.00
Tall Fescue	97	85		2.00
Red Fescue	97	85		1.00
Korean Lespedeza	98	85	55	1.00
Sericea Lespedeza	98	85	55	1.00
Alsike Clover	98	85	55	1.00
Red Clover	98	85	55	1.00
Sweet Clover	98	85	55	1.00
White Clover	98	85	55	1.00
Hairy Vetch	97	80	50	1.00
Crown Vetch	98	70	40	1.00
Birdsfoot Trefoil	98	80	50	1.00

Holland Pit  
Andrew  
Cbr

SOUTH  
PART LINCOLN

T. 58 N.-R. 36-35 W.

2

Herzog Contracting Corp.

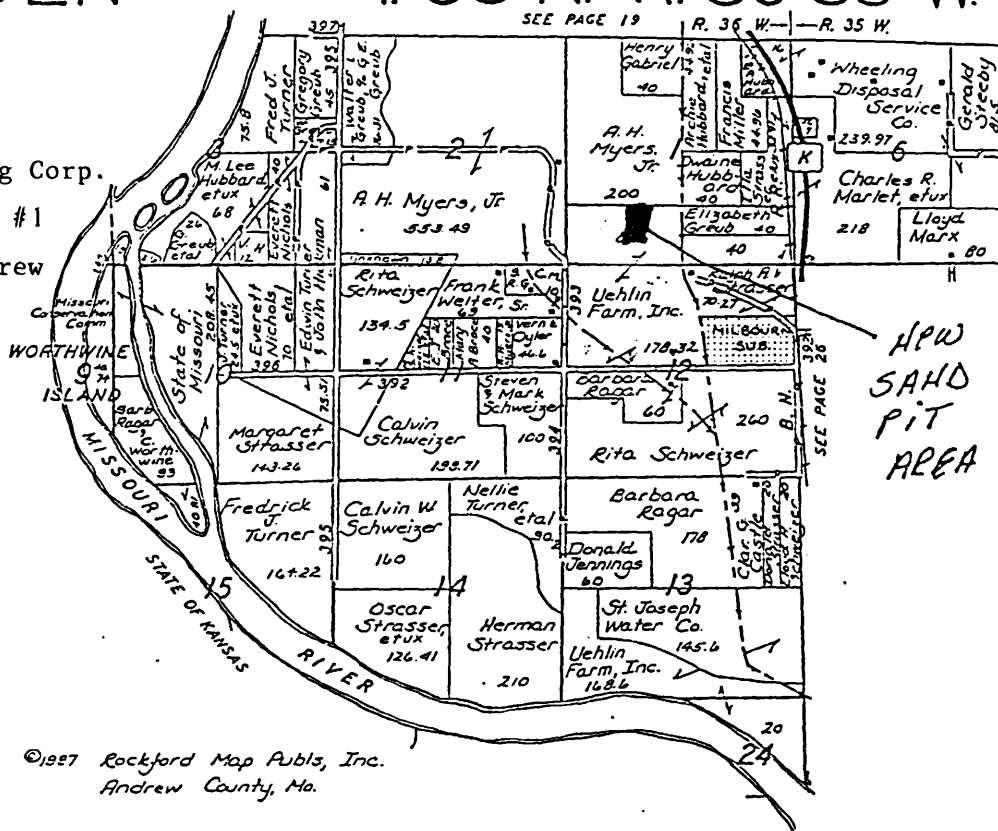
Andrew County Map #1

Holland Pit - Andrew

Scale: 1 1/4"

Equals 1 Mile

North ↑



©1927 Rockford Map Publs, Inc.  
Andrew County, Mo.

## ANDREW COUNTY MUTUAL INSURANCE CO.

Serving Andrew County Farm and Town Property Since 1889



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If your property is damaged by wind, fire or hail,  
you need someone you can turn to for help.  
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422 COURT STREET — P.O. BOX 263  
SAVANNAH, MISSOURI 64485  
PHONE: 324-3151

### AGENTS AND BOARD MEMBERS

Kenneth Bowlin ..... 324-3203  
Don Ussary ..... 324-3442  
Leonard Furst ..... 567-2338  
Ray Furst ..... 369-2324

Warner Bowman - Charles Walton  
Donald Hegeman - Dale Clark  
J. W. STANTON - PRESIDENT



Attachment to Map of  
Township 58N Range 36W

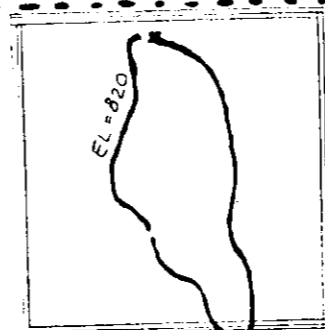
1. Names of interest parties - Herzog Contracting Corp. - Owner
2. Boundaries/Acreage - Irregular rectangle shaped area of approximately 10 acres located at the middle of the North Boundary of a 78 acre tract.
3. Public roads with 100' - None

RECEIVED  
JUL 27 1995

MISSOURI LAND  
RECLAMATION COMMISSION

RIVER BOTTOM  
DRAINAGE  
DITCH

FIELD ROAD



PERMIT  
BOUNDARY  
10 ACRES

HERZOG CONTRACTING CORP.  
SOLE OWNER OF LAND, SURFACE  
AND SUBSURFACE RIGHTS.

LEVEE  
ROAD

24

820

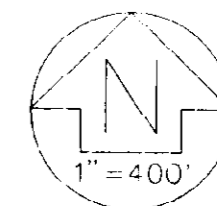
825

C

O

L

N



HERZOG CONTRACTING CORP.  
HOLLAND PIT -- ANDREW COUNTY  
SW 1/4 SEC 1, T 58N, R 36W  
Drawn by : S.PETER - JULY 1995